

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARIA de LOURDES PARRA MARIN, on
behalf of herself and all other persons similarly
situated,

Plaintiff,

15 Civ. 3608 (AKH)

- against -

DAVE & BUSTER'S, INC., and
DAVE & BUSTER'S ENTERTAINMENT,
INC.,

Defendants.

**PLAINTIFF'S MOTION FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT, CONDITIONAL
CLASS CERTIFICATION AND APPROVAL OF NOTICE PLAN**

Plaintiff Maria de Lourdes Parra Marin, by and through her undersigned counsel, hereby moves this Court for entry of an Order granting preliminary approval of the Proposed Settlement as set forth in the Settlement Stipulation dated November 17, 2017 ("Stipulation"), and other relief pursuant to Rule 23(e) of the Federal Rules of Civil Procedure.

Through the [Proposed] Findings and Order Preliminarily Approving Class Action Settlement, Conditional Class Certification, Approval of Notice Plan, and Setting a Date and Time for the Fairness Hearing (the "Preliminary Approval Order"), Plaintiff seeks to establish a schedule leading to a hearing to determine whether the Proposed Settlement, on the terms and conditions provided in the Stipulation, should be approved pursuant to Rule 23(e) of the Federal Rules of Civil Procedure. The Preliminary Approval Order also conditionally certifies the class, and sets forth the procedure by which Notice to Class Members will be provided, and by which Class Members who wish to object to the Proposed Settlement may do so.

Based on the proposed timing of the mailing of individual Notices to members of the Settlement Class, Plaintiff respectfully requests that the settlement hearing be scheduled at the Court's convenience, on a date that falls approximately 145 days after the date of entry of the Preliminary Approval Order, so as to allow sufficient time following dissemination of the notices for individuals to review the Notice and assess their options.

WHEREFORE, for the reasons stated above, in Plaintiff's memorandum in support of this motion and in the accompanying Stipulation (with exhibits), Plaintiff respectfully requests that the Court enter the Preliminary Approval Order.

Dated: November 17, 2017

Respectfully submitted,

ABBEY SPANIER, LLP

By: /s/ Karin E. Fisch
Karin E. Fisch (KF 1082)
kfisch@abbeyspanier.com
212 East 39th Street
New York, New York 10016
(212) 889-3700

FRUMKIN & HUNTER LLP
William D. Frumkin (WF 2173)
wfrumkin@frumkinhunter.com
Elizabeth E Hunter
1025 Westchester Avenue, Suite 309
White Plains, New York 10604
(914) 328-0366

CONOVER LAW OFFICES
Bradford D. Conover, Esq.
Molly Smithsimon, Esq.
345 Seventh Avenue, 21st Floor
New York, New York 10001
(212) 588-9080

Counsel for Plaintiff